GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Medical & Health Department – Allegation of acquisition of assets disproportionate to the known sources of Income against Sri R. Mohan Rao, formerly Senior Assistant, O/o. the Additional District Medical & Health Office, Paderu, Visakhapatnam District and retired as Office Superintendent O/o District Medical & Health Office, Visakhapatnam – Departmental proceedings – Initiated – penalty of withholding of entire pension and gratuity in full permanently – imposed - Orders – Issued.

HEALTH MEDICAL & FAMILY WELFARE (VC.1) DEPARTMENT

G.O.MS.No. 77 Dated:20-08-2015

Read the following:-

1. From the D G, ACB Hyd, Lr.No.87/RCA/WVP/1995, dt.22-7-1999
2. Memo.No.23464/J2/99-3 HM&FW(J.2) Det.dt.3.2.2000
3. G.O.Ms.No.79, HM&FW (VC1) Dept, Dt.19-2-2000
4. Rc.No.3496/B2/2000 dt.28.10.2000 of the RDM&HS, Visakhapatnam.
5. G.O.Rt.No.471, HM&FW (VC1.1) Dept, Dt.07-6-2003
6. Judgment dt.30.9.2011 of the III Additional District and sessions cum Spl.Judge for A.C.B. cases Visakhapatnam in C.C.No. 107/2000
7. From D G, ACB, Hyd Lr.No.87/RCA/WVP/1994-S11, Dt.13.10.2011.
8. Memo.No.23464/V.C.1/1999,HM&FW(V.C.1(1)/1999 dt.29.10.2011.
9. Hon'ble APAT orders dt.1-6-2015 in OA No.8763/2011 with VMA No.1380/2012
10. Orders dt.25.06.2015 of the Hon'ble High Court of Judicature at Hyderabad
11. representations dt.7.7.2015 & 9.7.2015, Sri R. Mohan Rao, Retd Office Superintendent.

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ORDER:

Whereas, the Director General, Anti Corruption Bureau, A.P., Hyderabad has reported that Sri R. Mohan Rao, Senior Assistant, O/o. the Additional District Medical & Health Officer, Paderu, Visakhapatnam had indulged in corrupt practices by abusing his official position while in public service and thereby acquired disproportionate assets to his known sources of income to a tune of Rs.45,70,343/- and recommended to prosecute the accused officer in a court of law for the offences under section 13 (2) read with 13 (1) (e) of Prevention of Corruption Act,1988 vide reference 1st read above.

2. Government after examining the matter have issued instructions to the Director of Health A.P., Hyderabad to initiate Departmental action against Sri R. Mohan Rao, Senior Assistant for violation of Rule 9 of APCS (Conduct) Rules 1964 as he failed to intimate the competent authority about the acquisition and disposal of (9) assets mentioned in the final report of Director General, Anti Corruption Bureau, A.P., Hyderabad Vide reference 2nd read above. In the reference 3rd read above, Government have issued orders to prosecute the accused officer Sri R. Mohan Rao, Senior Assistant, O/o. Additional District Medical & Health Officer, Paderu, Visakhapatnam in a court of Law. The Regional Director Medical & Health Services, has placed the accused officer under suspension vide reference 4th read above. Later he was reinstated into

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service vide reference 5th read above. Subsequently Sri R.Mohan Rao Office Superintendent O/o. District Medical & Health Office, Visakhapatnam has retired from service on 30-09-2005 on attaining the age of superannuation.

3. In the letter 7th read above, the Director General, Anti Corruption Bureau has informed that in the reference 6th read above the III Additional District and Sessions cum Special Judge for Anti Corruption Bureau cases, Visakhapatnam pronounced judgment on 30-9-2011 in C.C.No.107/2000 convicting the Accused Officer, Sri R. Mohan Rao, besides sentencing him to undergo one year simple Imprisonment and to pay of fine of Rs.5,000/- for the offence under section 13 (2) read with 13 (1) (e) of the Prevention of Corruption Act, 1988 and under section 248 (2) Cr. P.C.

4. Government after examining the matter have decided provisionally to impose a punishment of withholding the entire pension and gratuity permanently against Sri R.Mohan Rao, Senior Assistant, retired as Office Superintendent, O/o. District Medical & Health Office, Visakhapatnam and a Show Cause Notice was issue to the accused officer calling for his explanation to the proposed penalty under Rule 9 (1) of the Revised Pension Rules 1980 vide reference 8th read above.

5. Aggrieved by the Show Cause Notice, the accused has filed OA No.8763/2011 in the Hon'ble APAT. In the reference 9th read above, the Hon'ble Andhra Pradesh Administrative Tribunal has disposed the O.A. on 01.06.2015 allowing the applicant to submit his explanation to the Show Cause Notice in four weeks time from the date of its orders and the respondent Government is at liberty to pass such orders thereafter as may found appropriate in the light of the facts and circumstances.

6. Against the orders dt: 01.06.2015 of the Hon'ble Andhra Pradesh Administrative Tribunal, the accused officer has filed W.P.No. 18275 of 2015 in the Hon'ble High Court of Judicature at Hyderabad. In the reference 10th read above the Hon'ble High Court while disposing the W.P. has granted two weeks time to the applicant for filing explanation to the said Memo and un-influenced by any observation made by the Tribunal in the impugned order, Government shall pass appropriate orders on the explanation that may be submitted by the petitioner.

7. In the reference 11th read above, the accused officer has submitted representations requesting to pay the provisional pension till the disposal of Criminal Appeal, if not he will be put to irreparable loss and hardship as he is taking medicines for various ailments.

8. The Government after careful examination of the matter and keeping in view of the G.O.Ms.No.26 Finance (Pension.1)Department, dt. 05.02.2013 have decided to confirm the provisional decision to impose a punishment of 100% cut in pension permanently and withholding of entire Gratuity in full against Sri R.Mohan Rao, Senior Assistant and retired as Office Superintendent O./o District Medical & Health Office, Visakhapatnam.

9. Accordingly, the Government hereby order to impose a punishment of 100% cut in pension permanently and withholding of entire Gratuity in full against Sri R.Mohan Rao, Senior Assistant and retired as Office Superintendent O/o. District Medical & Health Office, Visakhapatnam as he convicted by the Trial court in C.C.No.107/2000 on 30.9.2011.

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10. The Director of Public Health & Family Welfare, A.P., Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Sri R.Mohan Rao, Senior Assistant and retired as Office Superintendent, O/o. District Medical & Health Office, Visakhapatnam through the Public Health & Family Welfare, A.P., Hyderabad.
The Director of Public Health & Family Welfare, A.P., Hyderabad.
Copy to
The Accountant General, A.P., Hyderabad.
The Director General, Anti Corruption Bureau, A.P., Hyderabad.
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
The Regional Director of Medical & Health Services, Visakhapatnam
The District Medical & Health Office, Visakhapatnam.
The District Treasury Officer, Visakhapatnam
Sf/Sc

// FORWARDED :: BY ORDER//

SECTION OFFICER